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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Review of the Commission's  
Rules and Policies Affecting the  
Conversion to Digital Television.

MM Docket No. 00-39

**REPLY COMMENTS  
OF  
USA DIGITAL RADIO, INC.**

USA Digital Radio, Inc. ("USADR") by its attorneys, hereby files these reply comments in the above-referenced proceeding. USADR limits its reply comments to the Commission's question whether TV Channel 6 should be made available for other uses such as Digital Audio Broadcasting ("DAB").<sup>1</sup> Current users of Channel 6 have opposed this proposal.<sup>2</sup> Although USADR expresses no opinion on the long term need for pursuing the use of Channel 6 for DAB or other purposes, USADR agrees that Channel 6 cannot be viewed as an option for promptly introducing DAB. Moreover, USADR notes public comment in the Commission's rulemaking proceeding concerning DAB<sup>3</sup> offers significant industry opposition and legal impediments to use of Channel 6 for DAB.

USADR is the developer of In-Band On-Channel ("IBOC") technology which will be used to upgrade existing AM and FM broadcasting to digital without the need for new spectrum. IBOC

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<sup>1</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, Notice of Proposed Rulemaking, (rel. March 8, 2000) at 17.

<sup>2</sup> *See e.g.*, Comments of Freedom Communications, Inc., MM Docket No. 00-39, dated May 17, 2000 at 6; *Comments of The Association of America's Public Television Stations and The Public Broadcast Service*, MM Docket No. 00-39, dated May 17, 2000.

<sup>3</sup> *Digital Audio Broadcasting Systems and Their Impact on Terrestrial Radio Broadcast Service*, MM Docket No. 99-325, Notice of Proposed Rulemaking (rel. Nov. 1, 1999) ("DAB Notice").

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technology will allow broadcasters to insert digital signals alongside their existing analog signal to produce enhanced sound quality and signal robustness without harmful interference to analog radio. USADR is owned by approximately thirty companies including the nation's largest radio broadcasters, media and financial companies and companies focused on chip and equipment manufacturing. USADR also has implemented a broader coalition of broadcasters, transmitter manufacturers, receiver manufacturers, chip manufacturers and industry leaders who support IBOC as the best means to implement DAB in the United States.

Unlike IBOC, TV Channel 6 will not offer a means for timely introduction of DAB in the United States. The Commission has recognized Channel 6 will not be available for other uses until 2007, at the earliest.<sup>4</sup> Any delays in completion of the DTV transition will further extend the availability date for Channel 6 spectrum. Even if Channel 6 provided a theoretical means for implementing DAB, existing broadcasters using Channel 6 have indicated an intention to retain that spectrum at the end of the DTV transition.<sup>5</sup> It is unclear whether the FCC would be able to accommodate those broadcasters elsewhere in the core spectrum. Based on the Commission's proposal to allow existing broadcasters to avoid making a selection between their NTSC and DTV channels until early 2004, it will be several years before the Commission would be able to make a determination whether existing Channel 6 broadcasters can be accommodated elsewhere. That would create too long a period of uncertainty about DAB to impose on radio broadcasters.

Even if Channel 6 would be available for DAB beginning in 2007, there may be legal impediments to this use. In its comments on the *DAB Notice*, Grupo Televisa, S.A. ("Televisa"),

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<sup>4</sup> *DAB Notice* at 17.

<sup>5</sup> See e.g., Comments of Hearst-Argyle Television, Inc., MM Docket No. 99-325 dated Jan. 24, 2000; Comments of The Association for Maximum Service Television, Inc. and Certain Channel 6 Licenses, MM Docket No. 99-325, dated Jan. 24, 2000.

a Mexican corporation which owns XETV (Channel 6) in Tijuana, Mexico, notes that the United States is prohibited under existing international agreements from using TV Channel 6 for DAB within 400 kilometers of the U.S.-Mexico border.<sup>6</sup> Any such prohibition would prevent the introduction of DAB to large areas with significant populations, including important urban centers such as San Diego, California, Phoenix, Arizona and San Antonio, Texas. It would be problematic to attempt to introduce a new consumer service such as DAB while excluding significant portions of the country.

Radio is used most heavily in cars and other vehicles. Unlike television, radio is expected to function in a mobile and stationary mode. Consumers also expect universal operability of radio receivers with all radio broadcasts in the country. Any exclusion zones for DAB, such as a 400 kilometer zone adjacent to the border, would directly impact mobile listeners. USADR believes that unavailability of DAB in a large area will severely impact consumer acceptance of DAB and may leave radio dependent on analog technology.

IBOC technology was developed to avoid these problems associated with a new spectrum approach to DAB.<sup>7</sup> IBOC will allow every broadcaster to upgrade to digital without the need for new frequency allocations or licenses. Listeners will receive the benefits of both improved audio quality and enhanced signal robustness. USADR encourages the Commission to concentrate its

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<sup>6</sup> Comments of Grupo Televisa, S.A., MM Docket No. 99-325, dated Jan. 24, 2000.

<sup>7</sup> For more detail on IBOC technology, see Comments of USA Digital Radio, Inc., MM Docket No. 99-325, dated January 24, 2000.

efforts to implement DAB on approval of IBOC rather than expending resources on a reallocation of Channel 6 spectrum which may not become available or be useful for DAB.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Albert Shuldiner", with a long horizontal flourish extending to the right.

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Dated: June 16, 2000

## CERTIFICATE OF SERVICE

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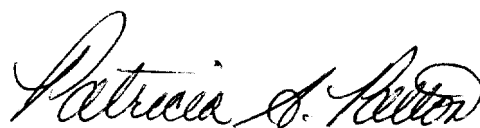
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